THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.23896 of 2006

17.11.2006

Between:

M/s. Sri Venkateswara Chemicals, represented by its partner Annam Vikhyat.

..Petitioner

And

The Divisional Engineer, Electrical, Operation City-VI, A.P. Central Power Distribution Company Limited, Bowenpally Division, Secunderabad. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

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ORDER:

The petitioner herein is a firm availing power supply from the respondents under Low Tension Category-III(A) with service connection Nos.S-010951 and S-007150.

Petitioner is running a small-scale chemical manufacturing unit at the premises bearing No.B-6, Co-operative Industrial Estate, Balanagar. The petitioner used to let out the premises to other entrepreneurs without supplying any power. In a similar fashion, the petitioner leased out the premises to M/s. Ajantha Painting Works and allegedly obtained their own electricity connection No.S-19892 from the respondents. In 1990, M/s. Ajantha Painting Works vacated the premises and their connection remained defunct and unused. However, in 2001, when the petitioner made an application for additional load of 40 H.P., the request was turned down by the second respondent on the ground that there is a default committed by M/s. Ajantha Painting Works. At that stage, apprehending disconnection of power supply to the petitioner premises, it filed W.P.No.19942 of 2003. The same was disposed of by this Court on 29.10.2003, observing that if conditions of supply permit, it shall be open to the respondents to demand payment of consumption charges due from M/s. Ajantha Industrial Printings, from the petitioner, after issuing notice to the petitioner. Thereafter, the 1st respondent issued a demand notice-cum-distraint notice, dated 22.09.2006, calling upon the petitioner to pay the arrears of electricity charges due from M/s. Ajantha Industries Printing. Aggrieved by the same, the present Writ Petition is filed.

Though the demand notice is dated 22.09.2006, the petitioner alleges that the same was received by it on 01.11.2006 and there is a threat of disconnection. The learned counsel for the petitioner, Ms.G.Jaya, strenuously contends that when the arrears are due from M/s. Ajantha Industrial Printing, it is arbitrary on the part of the respondents to demand the arrears of electricity charges Rs.33,622/- from the petitioner. **Opposing** the Writ Petition, the learned Standing Counsel for Andhra Pradesh Transmission Corporation submits that M/s. Ajantha Industrial Painting Works, another establishment in the same premises, namely, B-6, Co-operative Industrial Estate, Balanagar,

has availed the power supply. Therefore, the petitioner alone is liable for payment of the dues. He also points out that the building dispute raised by the petitioner is already pending before the 1st respondent and it can as well raise the same dispute before the 1st respondent.

After giving due consideration to the submissions made by the learned counsel and material placed before this Court, this Court is convinced that the dispute or grievance of the petitioner can be redressed by the appropriate authorities as per the General Terms and Conditions of Supply of Central Power Distribution Company of Andhra Pradesh Limited. The petitioner has adequate remedies to raise the dispute. As it has already raised such disputes before the 1st respondent, giving liberty to do so, the Writ Petition can be disposed of. If there is any disconnection of power supply after passing of this order, the petitioner may avail power supply after paying the amount demanded in the demand notice under protest and even the petition is accepted by the appropriate building authority, the amount paid shall be adjusted in the future bills.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

17.11.2006

GJ